IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 20361 of 2007(Y)

PETITIONER:

M/S. K.K. BUILDERS,
PERAVOOR, KANNOOR, REP. BY ITS MANAGING PARTNER,
K.K. MOHANDAS.

BY ADV. SRI.DEEPU THANKAN

RESPONDENTS:

KERALA STATE CONSTRUCTION CORPORATION
LIMITED, ADMINISTRATION OFFICE,IIIRD FLOOR,
CARMEL CENTRE, BANERJEE ROAD, COCHIN-18,
REP. BY ITS MANAGING DIRECTOR.

BY ADV. SRI. M.V. THAMBAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 20361/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE WORK ORDER DT. 27/1/2004.

EXT.P2. COPY OF THE WORK ORDER DT. 6/2/04.

EXT.P3. COPY OF THE WORK ORDER DT. 6/2/04.

EXT.P4. COPY OF THE AGREEMENT.

EXT.P5. COPY OF THE DETAILS OF THE PAYMENT ISSUED BY THE ASST. ACCOUNT OFFICER OF THE RESPONDENT.

EXT.P6. COPY OF THE LETTER SUBMITTED BY THE PETITIONER DT. 18/6/2007.

RESPONDENT'S EXHIBITS NIL.

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ANTONY DOMINIC, J.

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W.P.(C) No. 20361 OF 2007 Y
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Dated this the 25th October, 2007

J U D G M E N T

According to the petitioner, out of Rs.34,25,000/- retained by the respondents, an amount of Rs.19,98,663/- is excess and is liable to be released to the petitioner without delay.

2. If in terms of Ext. P4 agreement, the full amount now retained is not liable to be retained the petitioner is entitled to get refund of the same.

3. Accordingly, I dispose of the writ petition directing that the respondent shall consider the claim of the petitioner that excess amount has been retained and on such examination if it is found that there is excess amount the same shall be released to the petitioner without delay.

ANTONY DOMINIC
JUDGE

jan/-